IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 550 of 2006 (O&M)

Date of Decision : 07.08.2006

Smt. Geeta Verma

...Appellant.

Versus

Jarnail Singh and others

.. Respondents.

CORAM : HON'BLE MR. JUSTICE UMA NATH SINGH
HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. A.P.Manchanda, Advocate,
for the appellant.

UMA NATH SINGH, J. (ORAL)

The filing of the appeal is barred by an inordinate 275 days' delay and the explanation given for this delay does not show a sufficient cause to condone the same. Moreover, we have also heard learned counsel for the appellant on merits of the case. His only submission is that though the widow and the mother of the deceased, being the claimants, have been awarded Rs. 3,52,000/- in death case of the deceased aged about 24 years, but his other income, including interest on investments, was not taken into account. Admittedly, income tax returns of three years were placed on record before the Tribunal and the Tribunal has assessed the earning on the basis of last return. This is also admitted that the said earnings from money lending were not included into the income tax return.

We do not find any force in the submission of learned counsel. Further, in view of a judgment of Hon'ble the Apex Court reported in AIR 1998 SC 2276 (P.K. Ramachandran versus State of Kerala and another), we cannot extend the limitation on equitable ground.

Accordingly, this FAO is dismissed on the ground of delay as well as on merits.

(UMA NATH SINGH)
JUDGE

August 07, 2006
vkd

(S.D. ANAND)
JUDGE